

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

| | | |
|------------------------|---|-----------------------------------|
| In re |) | Case No. 3:25-bk-31122-SHB |
| |) | |
| ECHO MAV, LLC, |) | Chapter 7 (Involuntary) |
| |) | |
| Alleged Debtor. |) | Judge Bauknight |

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on the Motion to Dismiss Involuntary Bankruptcy Proceeding on July 31, 2025, at 9:00 a.m. Eastern time, in Courtroom 1-C, located at the Howard H. Baker Jr. U.S. Courthouse, 800 Market Street, Suite 330, Knoxville, Tennessee 37902.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

MOTION TO DISMISS INVOLUNTARY BANKRUPTCY PROCEEDING

Echo MAV, LLC, the alleged Debtor (“Echo MAV”) moves pursuant to 11 U.S.C. § 303, Fed. R. Bankr. P. 1011(b) and Fed. Rs. Civ. P. 12(b)(3) and -(b)(6) to dismiss the involuntary petition filed by sole petitioning creditor Horizon31, LLC (“Horizon31”). As grounds to dismiss the petition, Echo MAV would show:

1. Venue is not proper in this Court;

2. Echo MAV has more than 12 unsecured creditors meaning the petition must be filed by a minimum of three qualifying petitioning creditors, not one;
3. Horizon31 is not a qualifying petitioning creditor because its claim is fully secured by liens on the assets it sold to Echo MAV, which have only increased in value post-sale;
4. There is no basis to enter an order for relief because Echo MAV generally is paying its debts as they come due; and
5. Horizon31 filed the petition in bad faith as an improper debt collection tactic and part of a pattern of vindictive misconduct by one of its two members, who is Echo MAV's former chief technology officer.

Because this is a bad-faith filing that is subject to dismissal prior to the entry of an order for relief, after a hearing this Court should grant Echo MAV judgment against Horizon31 in the amount of its costs and reasonable attorney's fees pursuant to 11 U.S.C. § 303(i)(1), and grant Echo MAV compensatory and punitive damages against Horizon31 pursuant to 11 U.S.C. § 303(i)(2).

In addition, pursuant to 11 U.S.C. § 303(e), at the hearing on this Motion to Dismiss the Court should require Horizon31 to post a bond to indemnify Echo MAV for the costs, fees and damages the Court may later allow under Section 303(i).

This Motion to Dismiss is supported by a Memorandum of Law and the Declaration of Denny Eugene Trey Sprinkle, III which are filed contemporaneously with the Motion.

WHEREFORE, premises considered, Echo MAV prays that this Court: set a hearing on the Motion to Dismiss; at the conclusion of the hearing, dismiss the involuntary petition filed by Horizon31 prior to entry of an order for relief and order Horizon31 to post a bond pursuant to 11

U.S.C. § 303(e); set a subsequent hearing on damages to be awarded Echo MAV under 11 U.S.C.
§ 303(i); and grant Echo MAV such other and further relief as is just and proper.

RESPECTFULLY SUBMITTED:

DICKINSON WRIGHT, PLLC

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Attorney for Alleged Debtor Echo MAV, LLC

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Motion to Dismiss and the accompanying Proposed Order upon the following, and all persons registered to receive electronic notice in this case, via the Court's CM/ECF system on the 3rd day of July, 2025:

Maurice K. Guinn
Gentry Tipton McLemore
Riverview Tower, Suite 2300
900 South Gay Street
Knoxville, TN 37902

Office of the United States Trustee
800 Market Street, Suite 114
Knoxville, TN 37902

/s/ Stephen M. Montgomery